

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2012-0064-CX

CASEFILE/PROJECT NUMBER: COC75367

PROJECT NAME: Access Road to Private Property

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 3 N., R. 97 W.,
sec. 2, lots 7 and 8;
sec. 3, lot 5.

T. 4 N., R. 97 W.,
sec. 35, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$.

APPLICANT: Si and Susan Woodruff

DESCRIPTION OF PROPOSED ACTION: Si and Susan Woodruff propose to use an existing un-numbered BLM road to access their private property. The access road would be from BLM Road 1512 to the private land. The access road is in BLM's White River Field Office and BLM's Little Snake Field Office. The access road would be 7,015 feet (1.33 miles) long, 8 feet wide, and contain approximately 1.29 acres. The road would be upgraded and maintained to allow access to the private lands. Maintenance would include blading and graveling the road, if necessary. A culvert may be installed, if needed.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plans:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values."

and

Name of Plan: Little Snake Record of Decision and Resource Management Plan

Date Approved: October 2011

Results: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

Allow for appropriate ROW routes and development sites, while identifying areas that will not be compatible with such use. Objectives for achieving these goals include:

- Provide access for the development of roads and trails, utilities, transmission lines, communication sites, and other uses in an environmentally responsible manner.

Section/Page: Section 2.17 Lands and Realty/ page RMP-52

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E16: *"Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes."*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in		X

Extraordinary Circumstance	YES	NO
the National Register of Historic Places as determined by either the bureau of office.		
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 3/6/2012. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	11/10/2014
Ed Hollowed	Wildlife Biologist	Special Status Wildlife Species	7/25/2012
Amber Shanklin	Ecologist	Special Status Plant Species	6/19/2012

REMARKS:

Cultural Resources: BLM archaeologist Brian Yaquinto surveyed the entire road, which included a 30-meter buffer on either side of the road, for cultural resources to account for direct and indirect impacts associated with the current Proposed Action. No historic properties were located during this survey, and the likelihood for cultural resources to be located near or in the road is low based on current and available data.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future

consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Paleontological resources: All of the proposed access route, except for T3N, R97W, Sec. 12 SE¼SE¼ and Sec. 13 N½SE¼ and NE¼ (which is mapped as Quaternary alluvium Tweto 1979) and classified by the BLM WRFO as PFYC (potential fossil yield classification) 1 (not known to produce fossils), is located in what is generally mapped as the Wasatch formation (Tweto 1979) which the BLM WRFO has classified as a PFYC 5 formation, meaning it is known for producing scientifically noteworthy fossil resources (c.f., Armstrong and Wolny 1989).

If it becomes necessary to excavate into the underlying sedimentary rock formation to upgrade the proposed access road, there is a high potential to impact scientifically noteworthy fossil resources. Any impacts to fossil resources in this formation have the potential to cause a serious loss of scientific paleontological data. This loss would be permanent, cumulative, irreversible, and irretrievable. Monitoring any such construction impacts could potentially reduce the loss, but there would still be accumulative and irreversible loss of data.

Special Status Wildlife Species: *Special Status Wildlife Species:* The Proposed Action is accessed using approximately 10 miles of BLM Road 1512, a long-established major public access route. This road segment traverses about 3.7 miles of habitat suited for sage-grouse nesting and brood-rearing and passes within 25 meters of an active lek, one of 5 presently known from the southwest corner of Management Zone 5 of the Northwest Colorado Population Area. The majority of habitat best suited for sage-grouse occupation (represented by large sagebrush parks) that is traversed as accessed to the Proposed Action is located south of Deep Channel Creek. The remainder of the access north of Deep Channel Creek traverses habitat that is composed of smaller sagebrush parks interspersed with juniper-dominated woodlands (60:40 ratio sagebrush to woodland).

The access to the Proposed Action along BLM Road 1512 also traverses about 160 meters of an isolated 20-acre colony of prairie dogs. There is at least one report of burrowing owl being associated with prairie dogs in the Crooked Wash complex, but no nesting efforts have been confirmed. Much of the project is encompassed by Colorado Parks and Wildlife (CPW) designated deer and elk severe/critical winter range.

The access to the Proposed Action is based on a long-established system of roads that receive relatively infrequent use outside the big game hunting seasons. The proposed use would not be expected to add appreciably to that traffic load except light, short term, construction-related activities that may occur through a subsequent spring/summer season. Because such use would occur along established routes and would have minor additive influence on current public use patterns, there is no reasonable expectation that the proposal would contribute to adverse effects on local big game, small mammal, or migratory bird functions. With regard to sage-grouse, and for the same reasons, it is recommended that BLM merely ask for the voluntary cooperation of the proponent in minimizing vehicle use during the sage-grouse strutting period (March 1 to May 1) and confining necessary access during this timeframe to the hours between 9 am and 4 pm. These recommendations are consistent with those established in the Northwest Colorado Greater

Sage-grouse Conservation Plan (unpublished, 2008). Intermittent and minor road maintenance (primarily on the BLM spurs) would have no substantive influence on wildlife resources.

Special Status Plant Species: There are no special status plant species issues or concerns associated with the Proposed Action.

REFERENCES CITED:

Armstrong, Harley J., and David G. Wolny

1989 Paleontological Resources of Northwest Colorado: A Regional Analysis. Museum of Western Colorado, Grand Junction, Colorado.

Conner, Carl E.

1993 Cultural Resources inventory Report on the Proposed Pipeline Between the Pinyon Ridge #B-1 and Pinyon Ridge #A-1 Wells in Moffat and Rio Blanco Counties, Colorado, for Anadarko Petroleum corporation. Grand River Institute, Grand Junction, Colorado. (93-11-29: SHPO # MC.LM.R82)

Conner, Carl E., and Rebecca L. Hutchins

1993 Cultural Resources Inventory Report on the Proposed Pinyon Ridge Fed. #G-1 Well Location and Related Access in Moffat County for Anadarko Petroleum, Corporation. Grand River Institute, Grand Junction, Colorado. (93-11-12: SHPO #MF.LM.R205)

Piontkowski, Michael

2001 Addendum: Report on the Class III Inventory Durango Pipeline Corporation McIntire #3-1 Pipeline Re-Route, Moffat County, Colorado. Uncompahgre Archaeological Consultants, Grand Junction, Colorado. (LSFO project: SHPO # MF.LM.R407))

Rood, Ronald J.

1991 Cultural Resource Inventory of the Anadarko Pinyon Ridge Federal #B-1 and Related Access, Moffat County, Colorado. Alpine Archaeological Consultants, Inc., Montrose, Colorado. (91-83-04: SHPO #MF.LM.NR348)

Tweto, Ogden

1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

MITIGATION:

1. At least 90 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not

limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

2. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.

3. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.

4. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.

5. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

6. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

7. Pursuant to 43 CFR 10.4(g), the holder must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

8. The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.

9. If any paleontological resources are discovered as a result of operations under this authorization, the holder or any of his agents must stop work immediately at that site,

immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the holder will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

10. Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

11. BLM seeks the voluntary cooperation of the proponent in minimizing vehicle use during the sage-grouse strutting period (March 1 to May 1) and confining necessary access during this timeframe to the hours between 9 am and 4 pm.

12. All activities shall comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This would include acquiring all required state and Rio Blanco County permits and implementing all applicable mitigation measures required by each permit.

13. A release of any chemical, oil, petroleum product, produced water, or sewage, etc. (regardless of quantity) must be reported to the Bureau of Land Management – WRFO Hazardous Materials Coordinator at (970) 878-3800. The Colorado Department of Public Health and Environment (CDPHE) should be notified, if applicable, through the 24-hour spill reporting line at 1 (877) 518-5608.

14. All activity shall cease when soils or road surfaces become saturated to a depth of three inches unless there are safety concerns or if activities are otherwise approved by the Authorized Officer.

15. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation

developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E16. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

04/01/2015

ATTACHMENTS: Exhibit A - Map of Proposed Action

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DECISION RECORD

PROJECT NAME: Access Road to Private Property

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-110-2012-0064-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2012-0064-CX, authorizing the use, upgrading, and maintenance of an existing road to access private property.

Mitigation Measures

1. At least 90 days prior to termination of the right-of-way, the holder shall contact the authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
2. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
3. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.
4. The holder shall monitor all disturbed and reclaimed areas through final abandonment for the presence of invasive, non-native, and/or noxious plant species. The applicant will be responsible for eradication of noxious weeds that occur on site using materials and methods approved in advance by the Authorized Officer.
5. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
6. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved

by the AO. The holder will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The holder, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

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COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 3/20/2012 and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E16. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801

North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL: 
Field Manager

DATE SIGNED: 04/01/2015

